

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:)	
AOK. CONSTRUCTION, LLC,)	
)	
Debtor.)	Case No. 09-34419
)	United States Bankruptcy Court,
KIRBY-SMITH MACHINERY, INC.,)	Southern District of Texas
)	(Chapter 7)
Plaintiff,)	
)	
vs.)	
)	
AOK. CONSTRUCTION, LLC and)	Adv. No. 09-01094
CONTINENTAL ENERGY SERVICES,)	
)	
Defendants,)	
)	
and)	
)	
BANK OF AMERICA, N.A.,)	
)	
Intervenor.)	

**SECOND UNOPPOSED APPLICATION TO EXTEND THE
DEADLINE TO RESPOND TO KIRBY-SMITH MACHINERY, INC.'S
MOTION TO ABSTAIN AND FOR REMAND**

Defendant, Continental Energy Services, L.L.C. ("CES"), respectfully submits this Second Unopposed Application to Extend the Deadline to Respond to the Motion to Abstain and for Remand filed herein on July 31, 2009 (Dkt. No. 8) by Kirby-Smith Machinery, Inc. ("Kirby-Smith"). In support thereof, CES states as follows:

1. On July 20, 2009, Bank of America, N.A. (the "Bank") filed its Motion to Transfer Venue (Dkt. No. 2). Therein, the Bank sought transfer of the captioned adversary case from this Court to the United States Bankruptcy Court for the Southern District of Texas pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 7087.

2. On July 31, 2009, Kirby-Smith filed its Motion to Abstain and for Remand (Dkt. No. 8) (the "Motion"). Therein, Kirby-Smith seeks an order from the Court to abstain and remand the captioned case from this Court back to the Oklahoma County District Court where it originated prior to the Bank's removal of same to this Court.

3. On August 17, 2009, this Court entered its Order Granting the Bank's Motion to Transfer Case (Dkt. No. 17). Therein, the Court directed that the pending Motion to Abstain can be decided by the United States Bankruptcy Court for the Southern District of Texas.

4. Pursuant to Order entered August 19, 2009, (Dkt. No. 19), the Court granted CES an extension until August 28, 2009, in which to respond to the Motion. However, as of August 28, 2009, the Clerk of the United States Bankruptcy Court for the Southern District of Texas has not opened a case in that district and, as a result, CES's Response to the Motion cannot be filed in that Court.

5. Accordingly, CES respectfully requests that the Court enter an Order extending the time for it to file a response to the Motion until September 10, 2009.

6. Counsel for CES has discussed this request with counsel for Kirby-Smith and is advised there is no objection to this request. The purpose of this request is to permit the filing of CES's Response to the Motion in the Bankruptcy Court for the Southern District of Texas.

WHEREFORE, CES respectfully requests that the Court enter an Order, submitted herewith for the Court's convenience, permitting it until September 10, 2009, to file a response to Kirby-Smith's Motion to Abstain and for Remand.

s/James K. Larimore

James K. Larimore

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CERTIFICATE OF SERVICE

☒I hereby certify that on August 28, 2009 , a true and correct copy of the above and foregoing pleading was served via Electronic Notification to Registered Participants as set forth in the Notice of Electronic Filing. Based on the records current only file, the Clerk of the Court will transmit a Notice of Electronic Filing to the ECF registrants listed on the "Electronic Mail Notice List" attached as Exhibit "A".

s/ James K. Larimore

James K. Larimore

Mailing Information for Case 09-01094

Electronic Mail Notice List

The following is a list of the parties who are currently on the list to receive e-mail notice/service for this case.

- Larry Glenn Ball lball@hallestill.com, sanderson@yallestill.com
- Clay P. Booth, cbooth@klinefirm.org
- John T. Richer jricher@hallestill.com, ndiacon@hallestill.com

EXHIBIT "A"